

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

| | | |
|----------------------------------|---|-------------------------------------|
| BETHEL E. AVANT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 3:04-22175-CMC-JRM |
| |) | |
| JO ANNE B. BARNHART, |) | |
| Commissioner of Social Security, |) | ORDER |
| |) | |
| Defendant. |) | |

Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, by her undersigned attorneys, Jonathan S. Gasser, Acting United States Attorney for the District of South Carolina, and George J. Conits, Assistant United States Attorney for said district, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ See Shalala v. Schaefer, 509 U.S. 292, 297 (1993).

AND IT IS SO ORDERED.

s/Joseph R. McCrorey
United States Magistrate Judge

May 12, 2005
Columbia, South Carolina

¹The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.

Bethel E. Avant v. Barnhart

ON MOTION OF:

WITH CONSENT OF:

JONATHAN S. GASSER

Acting United States Attorney

By: S/ George J. Conits
GEORGE J. CONITS (I.D. # 234)
Assistant United States Attorney

S/Jeffery L. Sabel
JEFFERY L. SABEL